

**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS  
MINUTES**

**DATE:** October 6, 2005

**TIME:** 1:00 PM

**LOCATION:** Tennessee Room  
1<sup>st</sup> Floor, Cordell Hull Building  
Nashville, TN 37247

**BOARD MEMBERS**

**PRESENT:** Aaron Perkins, DPM, Chair  
David Long, DPM  
Kathryn Riffe, DPM

**BOARD MEMBERS**

**ABSENT:** Berkeley Nicholls, DPM  
Shannon Bottoms, Consumer Member

**STAFF PRESENT:** James Hill, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Robbie Bell, Director  
Barbara Maxwell, Administrative Director  
Stacy Lannan, Licensing Technician  
Jerry Kosten, Rules Coordinator

Dr. Perkins, chair, called the meeting to order at 1:08 p.m. A sufficient number of board members were present to constitute a quorum.

**Review Minutes**

Upon review of the September 23, 2005 board meeting minutes, Dr. Long made a motion, seconded by Dr. Riffe, to approve the minutes as written. The motion carried.

**Conflict of Interest**

Ms. Armstrong reviewed the conflict of interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Ms. Armstrong stated that if a board member does have a conflict of interest they must recuse him/herself and leave the hearing room during the proceeding.

### **Office of General Counsel (OGC) Report**

Ms. Armstrong stated Rule 1155-.02, .08, .12, .22 regarding the elimination of the oral examination, ordering of lab tests by Podiatrists, and continuing education for Podiatrists performing ankle surgery. Ms. Armstrong said Rule 1155-2-.04, .05, .08, .14; 1155-3-.01 regarding criminal background checks for initial applicants for licensure and exam language are currently under the review by the Attorney General.

Ms. Armstrong stated the Office of General Counsel has six (6) open cases pertaining to the Tennessee Board of Podiatric Medical Examiners.

### **Investigative Report**

Ms. Armstrong reviewed the Investigative Report stating there are five (5) complaints year to date, one (1) for unprofessional conduct, two (2) for malpractice/negligence, one (1) for unlicensed practice and one (1) other.

### **Disciplinary Report**

Ms. Armstrong reviewed the Disciplinary Report stating there is one (1) practitioner currently being monitored. Ms. Armstrong said the history of Podiatrists who have been disciplined by the board follows the disciplinary report.

### **Financial Report**

Mr. Hill reviewed the Financial Report stating there is a cumulative carryover from June 30, 2005 of \$22,773.59.

### **Administrative Report**

Mr. Hill reviewed the Administrative Report stating there are 219 active Podiatrists and 130 active Podiatric X-Ray Operators. Mr. Hill gave the board members a month to month total of newly licensed, reinstatements and retired podiatrists and x-ray operators.

Mr. Hill stated of the 104 Podiatrists who were audited, 88 were in compliance, 6 were non-compliant, 9 were exempt and 1 deceased.

Mr. Hill said of the 75 X-Ray Operators who were audited, 27 were in compliance, 2 were non-compliant, and 46 were exempt from the audit.

### **Jerry Kosten, Rules Coordinator**

The board discussed an amendment to reduce fees.

Ms. Bell suggested the board wait on lowering the fees until it can be determined how many orthotists, prosthetists, and pedorthists will be licensed by the board.

Ms. Tittle presented a projection of fees to the board members so they could see the comparison of their fees to other board's fees.

Upon discussion, the board decided it would be best if they hold off on reviewing the fees.

Mr. Kosten discussed a bill in legislation which allows health related boards to use screening panels. The screening panel is nominated by the board members and has the same authority as the board. The panel would hear complaints from those persons who have agreed to have their complaints heard before the panel rather than going through OGC and the panel would make a decision on those complaints. If the complainant did not agree with the panel's decision, then the case would be sent to Investigations for their involvement.

Dr. Long made a motion, seconded by Dr. Riffe, to accept screening panels and send it to rulemaking hearing. The motion carried.

Dr. Long made a motion, seconded by Dr. Riffe, to remove the exemption from continuing education for age 65 and over pursuant to Public Chapter 228. The motion carried.

Dr. Riffe made a motion, seconded by Dr. Long, to remove a reference to registration and to change the name of the board to Tennessee Board of Podiatric Medical Examiners. The motion carried.

Dr. Long made a motion, seconded by Dr. Riffe, to change the quorum language because of the new board member added by Public Chapter 380. The motion carried.

Dr. Long made a motion, seconded by Dr. Riffe, to accept a new chapter of rules to regulate orthotist, prosthetist and pedorthists. The motion carried.

Dr. Riffe made a motion, seconded by Dr. Long, to accept the amendment regarding use of titles. The motion carried.

Dr. Riffe made a motion, seconded by Dr. Long, to accept a rewrite of the Professional Corporation and Limited Liability Company rules. The motion carried.

Dr. Long made a motion, seconded by Dr. Riffe, to accept the amendment to add advisory letter private ruling. The motion carried.

### **Discuss Callus Debridement**

Ms. Armstrong stated the Board of Cosmetology does not see a problem with callus blades being used in hair salons.

## **Review and Approve Applications**

### **Podiatric Medical Examiner**

Dr. Long made a motion, seconded by Dr. Riffe, to approve the application of **Phillip Riley**. The motion carried.

### **Podiatric Medical X-Ray Operators**

Dr. Long made a motion, seconded by Dr. Riffe, to approve the application of **Melanie R. Wilson**. The motion carried.

## **Tennessee Podiatric Medical Association Meeting**

Ms. Bell stated it would be a conflict of interest for boards to use licensure fees for association exhibits would be a conflict of interest.

Dr. Long asked if the board could pay the expenses for the associations to come to the board meeting to give a presentation. Ms. Bell stated that is something we will address in our next newsletter.

## **Election of Officers**

Ms. Armstrong stated elections are held once a year which the board has had this year. Ms. Armstrong said the board could elect a chair and secretary to carry out the end of this year and have elections in February 2006.

Ms. Riffe made a motion, seconded by Dr. Perkins, to elect Dr. David Long to finish Dr. Perkins term as chair. The motion carried.

Dr. Long made a motion, seconded by Dr. Perkins, to elect Dr. Riffe to finish Dr. Long's term as secretary. The motion carried.

## **Correspondence**

Dr. Long said he received a letter from Ms. Phyllis Gregg requesting the board approve a continuing education course which will be sunshined for next meeting.

With no other business to conduct, Dr. Riffe made a motion, seconded by Dr. Perkins, to adjourn the meeting at 3:42 p.m. The motion carried.

